IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

LA.App..No. 416 of 2003(D)

LAR.233/1994 of SUB COURT, CHERTHALA
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APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.BASANT BALAJI.

RESPONDENTS: CLAIMANTS
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1. THE MANAGER, CHAMMANADU DEVASWOM.

2. THE EXECUTIVE OFFICER, EZHUPUNNA PANCHAYATH.

* 3. PARVATHY AMMA, SUMATHY AMMA, PADINJAREKKUTTY PUTHEN VEEDU, KODAMTHURUTHU. ***(died)***

Addl. 4. SARADAMMA, LEKSHMI VILASAM, CHALAI COMPOUND, PALLURUTHI, COCHIN – 6 ERNAKULAM, AGED 62 YEARS (DAUGHTER)

Addl. 5. GOMATHY AMMA, KOVILAKATHU HOUSE, THYKATTUSSERY P.O., CHERTHALA AGED 60 YEARS, (DAUGHTER)

Addl. 6. N.SUKUMARA KURUP A-1/201, SIDHESWAR NAGAR, TINGRE NAGAR, VISHRAMTHA VADI, PUNE-15 AGED 58 YEARS (SON)

Addl. 7. S.GIRIJAMMA DWARAKA ERAMALLOOR P.O. CHERTHALA, ALAPPUZHA DISTRICT, 56 YEARS, (DAUGHTER)

Addl. 8. S.SAROJAM, PLOT NO.12A, BUILDING NO.A2-4/5 PLOOR HEXIMAR HERITAGE PHASE-II, PUNE NAGAR ROAD, PUNE, YERWADA, PIN 411 806, 54 YEARS (DAUGHTER)

Addl. 9. MOHANAN MANUNIVAS, PANAVALLY P.O.,
CHERTHALA, 52 YEARS (S0N)

Addl. 10. N.RADHAKRISHNAN PADINJARAKKATTU
PUTHENVEEDU, CHEMMANAD, KUTHUATHODU P.O.,
CHERTHALA, 50 YEARS (SON)

(THE CAUSE TITLE OF THE APPEAL MEMORANDUM IS AMENDED BY INCORPORATING THE ADDL. RESPONDENTS 4 TO 10 AS LEGAL HEIRS OF THE DECEASED R3, VIDE ORDER DATED 7.9.2007 IN I.A.NO.4222/2006)

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.B.VINOD
SRI.N.NAGARESH

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

L.A.A.No.416 of 2003

Dated this the 29th October, 2007.

J U D G M E N T

Advocate Sri.Santhosh Kumar appears for second respondent. Advocate Sri.N.Nagresh takes notice for respondents 4 to 10. The appeal itself is heard and disposed of.

2. The State has filed this appeal challenging the enhancement awarded by the learned Subordinate Judge, Cherthala, in L.A.R.No.233/1994. The learned Subordinate Judge relied on a judgment rendered by that court in L.A.R.No.212/1994. It is pointed out that the acquisition was for widening of National High Way, and there were number of reference cases also. The decrees and judgments passed by the Sub Court in those cases were challenged by the State. All of those appeals were dismissed. Considering the importance of the place, quantum of compensation awarded cannot be said to be excessive. So, there is no scope for interference and the appeal is only to be dismissed.

In the result, the appeal is dismissed.

K.PADMANABHAN NAIR,
JUDGE

nj.

K.PADMANABHAN NAIR, J.

L.A.A.No. 416 of 2003

J U D G M E N T

Dated:29th October, 2007.